



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON VICENZA
UNIT 31401, BOX 41
APO AE 09630

IMEU-VIC-EEO

08 OCT 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Garrison Vicenza Policy Memorandum 08-34 (Version 2), Prevention of Sexual Harassment (POSH) and Other Forms of Unlawful Harassment

1. References:

a. Code of Federal Regulations, Title 29, part 1614, Federal Sector Equal Employment Opportunity, sections 1614.101(a) and 1614.105.

b. AR 690-12, Equal Employment Opportunity and Affirmative Action, 4 March 1988.

c. AR 690-600, EEO Discrimination Complaints, 9 February 2004.

d. Conditions of Employment of Local National Personnel, 1 January 2006.

e. Equal Employment Opportunity Commission Management Directive 715, (<http://www.eeoc.gov/federal/eeomd715.html>).

f. Installation Management Command-Europe, Prevention of Sexual Harassment Policy, 9 September 2008.

2. This policy memorandum supersedes U.S. Army Garrison Vicenza Policy Memorandum 08-34, subject as above dated 29 September 2008.

3. As the Commander, United States Army Garrison (USAG) Vicenza, I am totally committed to ensure that all Soldiers, Civilian and Host Nation employees, and Family Members live and work in an environment free of sexual and unlawful harassment. It must be absolutely clear that any form of sexual or unlawful harassment will not be tolerated in my Command. Harassment of any kind is detrimental to good morale, order and discipline and impairs our capability of accomplishing the mission. I expect all management officials and employees to 1) display the highest degree of professional conduct in the workplace, 2) prevent harassing behaviors, 3) execute timely and appropriate corrective actions, and 4) report all incidents of sexual and/or unlawful harassment to the chain of command. Individuals found to be engaging in or condoning harassment of any kind will be subjected to corrective and disciplinary actions that range from reprimand to termination.

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4. While not all acts of harassing behavior may be sufficiently severe or pervasive enough to trigger a violation of the law, all harassing behavior destroys teamwork and negatively affects organizational readiness.

5. Sexual harassment is defined as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to or rejection of such conduct is made either explicitly or implicitly, a term or condition of a person's job, pay, or career; or 2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or 3) such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

6. Hostile work environment harassment occurs when employees are subjected to a pattern of unwanted sexual behaviors that has either the purpose or effect of unreasonably interfering with their work performance. Examples include, but are not limited to 1) unwelcome sexual remarks, jokes or taunting, 2) referring to a woman or a man as a doll, babe, hunk, stud, or honey, 3) whistling or making catcalls at someone, 4) telling sexually suggestive remarks within earshot of others, 5) persisting in unwanted attention, 6) use of derogatory terms with sexual connotations, 7) displaying pornographic or sexually explicit material, 8) repeated requests for sexual favors, 9) repeated requests for dates, 10) unnecessary physical contact, 11) hanging around, standing close or brushing up against someone, 12) touching or rubbing oneself sexually around another person, 13) following or blocking a person's path, 14) leering, staring or making suggestive gestures, and 15) distributing sexually oriented cartoons or offensive jokes by e-mail.

7. Unlawful harassment occurs when employees are subjected to a pattern of unwanted harassment behavior that intimidates, ostracizes, threatens (psychologically or physically), embarrasses, ridicules, unreasonably overburdens or precludes employees from reasonably performing their work. Unlawful harassment may also occur when behaviors, conduct, work rules or any combination thereof has the purpose or effect of creating fear or making the employee's work environment more difficult because of his/her race, color, gender, religion, national origin, age, gender, or disability whether mental or physical. Examples include, but are not limited to 1) obscene, rude, or threatening phone calls, e-mails or letters, 2) public humiliation, mocking or ridicule, 3) denial of support, exclusion or isolation, 4) disrespect, rudeness or sarcasm, 5) work sabotage, 6) bashing due to gender or sexual orientation, 7) initiating or spreading gossip or rumors, 8) use of racially derogatory and demeaning words, phrases and epithets, 9) distributing offensive ethnic or religious cartoons or jokes by e-mail, 10) making negative, demeaning or stereotypical comments regarding an employee's age, and 11) derogatory comments regarding an employees mental or physical disability.

8. Harassment may occur between a man, a woman or individuals of the same gender. The perpetrator may be the subject's supervisor, an agent of the employer, a supervisor in another

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area, a co-worker, or a non-employee, such as a customer. The subject of harassment is not limited to the recipient of the offensive conduct, but can be anyone affected by the conduct. Sexual and unlawful harassment may also result in allegations of favoritism when another person feels unfairly deprived of recognition, advancement or career opportunities.

9. To ensure all personnel have been informed about what behaviors constitute sexual and unlawful harassment and that such behavior may result in disciplinary actions, all USAG Vicenza employees, to include tenant organizations, are required to attend Prevention of Sexual Harassment (POSH) training as follows:

a. Initial POSH: This is mandatory one time training. All non-supervisory employees must attend this training as soon as possible after their appointment to an Army position. All military and Civilian supervisors of Civilians will attend this training within 90 days of assuming a supervisory position. Individuals attending this training will receive a certificate of completion from the installation EEO office.

b. Refresher POSH: All employees and supervisors must complete a refresher course every two years. Managers and supervisors will provide quarterly updates of employees completing refresher POSH online to the installation EEO office. POSH online refresher course can be accessed at: <https://secure.newmedialearning.com/psh/usarmyimae/index.htm>.

10. The Installation EEO office schedules and advertises Initial Employee, Initial Supervisory and Refresher POSH training classes annually. Managers, supervisors and employees may contact the installation EEO office (building # 169) to register for classes at DSN 634-7084/7976. Management will ensure 100% of the workforce is in compliance with all POSH training requirements. Directorates will provide quarterly updates on their POSH training status to the installation EEO office.

11. When complaints arise, we must work together to resolve them swiftly and effectively starting at the lowest level possible. Employees should give management the opportunity to resolve their issues by using the chain of command before filing an EEO complaint. Management officials will initiate prompt, thorough and impartial inquiries of all allegations. While conducting inquiries, the confidentiality of harassment complaints will be protected to the greatest extent possible. The Staff Judge Advocate (SJA) and EEO offices are available to provide guidance on conducting inquiries. If management finds that discrimination or unlawful harassment has occurred, they will take immediate action to stop the harassing behavior and ensure further discrimination or unlawful harassment does not occur. Supervisory claims of not knowing that harassment was taking place in the workplace will be unacceptable.

12. If employees in this command believe they are being subjected to sexual harassment or unlawful harassing behavior, the following avenues of redress are available:

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a. Employees are encouraged to report harassment to management officials preferably before it becomes severe or pervasive. All incidents of harassment should be reported to the first-line supervisor. If the first-line supervisor is perpetuating the harassing behavior, report the conduct to the next supervisor in the chain of command.

b. If an employee has reported the harassment to management officials and appropriate corrective actions have not been taken, they may report the harassing conduct to the higher chain of command and/or initiate a complaint by contacting an EEO official or counselor within 45 days of the date of the alleged discriminatory action. All employees providing information regarding harassing behavior or initiating an EEO complaint are protected by law against retaliation. For information on filing an EEO complaint in USAG, contact the installation EEO office in person, by phone (DSN 634-7084) or via e-mail at ramon.ayala@eur.army.mil.

c. Civilian employees under the supervision of a commanding officer or officer in charge may use Title 10 United States Code Section 1561 as an alternate procedure for raising allegations of harassment. This procedure is separate from the Army's EEO complaint procedure and does not waive the time limits for filing an EEO complaint nor exhaust the administrative remedies under 29 CFR 1614. The two procedures may be pursued independently or simultaneously.

d. Host Nation employees may seek assistance from their chain of command and the Civilian Personnel Advisory Center's Local National (LN) Employee/Labor Relations Specialist, Ms. Carla Ferrari, at 634-7870.

13. Leaders will issue this policy memorandum to all newly appointed employees and supervisors. Managers and supervisors will ensure all personnel under their control acknowledge understanding of this policy annually and maintain records of such acknowledgement. A copy of this command policy memorandum will be posted in all unit/activity bulletin boards.

14. The POC for this action is the EEO Officer at 634-7084.


ERIK O. DAIGA
COL, MI
Commanding

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